



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

ER 03/851

NOV 13 2003

Dr. Terry Roberts
U.S. Army Corps of Engineers
Galveston District
Southwestern Division
2000 Fort Point Road
Galveston, TX 77550

Dear Dr. Roberts:

The Department of the Interior has completed its review of the Final Environmental Impact Statement (FEIS) for Maintenance Dredging of the Gulf Intracoastal Waterway, Laguna Madre, Texas – Nueces, Kleberg, Kenedy, Willacy, and Cameron Counties, Texas. We appreciate this opportunity. Overall the document is well written and demonstrates an attempt to develop the best alternative for a complex and extensive project. We offer the following specific comments on the FEIS:


- The Department's National Park Service (NPS) remains concerned about the quality of sediments proposed for placement within Padre Island National Seashore, specifically with respect to heavy metals. As mentioned on page H-5, "the only apparent trend was the increasing concentrations of metals...at the mouth of Baffin Bay south towards the Land Cut." This statement may indicate that sediments near Baffin Bay and possibly other areas of the Laguna Madre which would be deposited within the park may have elevated levels of heavy metals thereby causing impairment to park resources if these sediments are deposited within the park. The NPS minimum detection limits for analyzing contaminants may be more stringent than the detection limits used during the development of the FEIS. If this is the case, it is possible that sediment analysis may not indicate contaminated sediments from the sampling sites near the park. The NPS minimum detection limits are provided as an enclosure to these comments. Since no sediment standards exist for the NPS or the State of Texas, standards established by the State of Washington are used to determine the acceptable limits for contaminated marine sediments. These standards establish a sediment quality that will not result in chronic or acute adverse effects on biological resources and no significant risk to human health. Arsenic and cadmium are listed in the FEIS as the heavy metals that are present at elevated levels; however, the FEIS does not indicate the actual levels determined for these heavy metals. To prevent impairment to park resources the concentrations must be below 57 parts per million (dry) for arsenic and 5.1 parts per million (dry) for cadmium.
- The NPS is also concerned about impacts to the benthic communities associated with seagrass beds within the park and the Laguna Madre. It appears, that based on Dr. Sheridan's

research outlined on pages H-19 to H-23, the practice of open-water disposal may lead to a permanent loss of benthic invertebrates. Specifically, Dr. Sheridan's work states that benthic communities may require five to ten years to recover, but with dredging cycles of three to five years benthic invertebrates would never recover. The NPS manages park resources as an ecosystem, rather than as single resources. Since a viable seagrass ecosystem requires benthic invertebrates, any seagrass bed that did not include them would not be a productive seagrass community. Therefore, seagrass beds would never recover to pre-disturbance levels and would ultimately be impaired.

3

Because of our legal responsibility to manage Padre Island's resources and prevent impairment to those resources, there is a strong possibility that additional sampling and analysis may be needed. We hope that these comments help to improve the management of the Gulf Intracoastal Waterway, while protecting Padre Island National Seashore and the Laguna Madre.

Sincerely,


for Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

Enclosure

cc:

Mr. Robert Eaton, Department of the Interior, Office of the Field Solicitor
Ms. Julia Brunner, National Park Service, Geologic Resources Division
Ms. Chris Turk, National Park Service, Environmental Quality Division
Mr. Darrell Echols, National Park Service, Padre Island National Seashore

Detection limits and environmental benchmark concentrations

Note: The term “detection limit” used herein refers to what is commonly called the “reporting limit” and occasionally called the “quantitation limit.” It does not refer to the much lower “instrument detection limit” or “method detection limit.”

Labs must achieve the detection limits (DLs) in Table 3 below. These DLs are below federal (and presumably state) standards and most other environmental benchmarks currently in the literature. Therefore, analytical methods that achieve these DLs will be able to indicate if even the strictest standards and criteria are being met. Note, however, that for two contaminants—PAHs and mercury—the DLs in Table 3 are not below the strictest standard or criteria cited for these. This is because many labs cannot achieve DLs that low, and the DLs in the table were chosen so that most experienced and well-equipped labs could achieve them. Lower DLs are achievable for PAHs and mercury at some labs that have the expertise and special instrumentation. Lower detection limits are also acceptable.

Contaminant	Detection limit for surface water and groundwater	Detection limit for soil and sediment samples (dry weight)
PAHs	10 ppt ^a	1 ppb ^c
TPH	50 ppb	0.1 ppm
benzene	1 ppb	25 ppb
toluene	5 ppb	25 ppb
ethylbenzene	5 ppb	25 ppb
xylene	5 ppb	25 ppb
ammonia	0.05 ppm	--
arsenic	5 ppb	0.5 ppm
barium	1 ppb	1 ppm
cadmium	0.5 ppb	0.2 ppm
chromium	3 ppb	1 ppm
copper	5 ppb	1 ppm
iron	0.1 ppm	10 ppm
lead	1 ppb	5 ppm
mercury	0.2 ppb ^b	0.2 ppm ^d
nickel	5 ppb	5 ppm
selenium	1 ppb	1 ppm
strontium	10 ppb	5 ppm
vanadium	10 ppb	1 ppm
zinc	10 ppb	5 ppm

water units:

ppb = parts per billion = micrograms per liter = ug/L

ppt = parts per trillion = nanograms per liter = ng/L

soil/sediment units:

ppm = parts per million = milligrams per kilogram = mg/kg = micrograms per gram = ug/g

ppb = parts per billion = micrograms per kilogram = ug/kg = nanograms per gram = ng/g

a - DLs as low as 1 ppt may be achievable

b - DLs as low as 0.1 ppb, or even 10 ppt, may be achievable

c - DLs as low as 0.25 ppb may be achievable

d - DLs as low as 25 ppb, or even 1 ppb, may be achievable

RESPONSE TO COMMENTS

Mr. Willie R. Taylor
Director, Office of Environmental
Policy and Compliance
U.S. Department of the Interior
Washington, D.C. 20240

Comment No.

Response

1. Thank you for your comments on the Final Environmental Impact Statement (EIS) for maintenance dredging in the Gulf Intracoastal Waterway (GIWW) in the Laguna Madre, Texas. As you note, the document demonstrates our efforts to develop the best environmentally acceptable alternative for maintaining the GIWW in an environmentally complex lagoon. The process was lengthy and costly, but was developed with considerable help from an Interagency Coordination Team (ICT) composed of eight State and Federal natural resource agencies and the help of two advisory members, including the National Park Service (NPS).

Throughout this difficult task, the U.S. Army Corps of Engineers (USACE) maintained close ties and extensive coordination with the ICT. One of the tasks of the ICT was to consider the entire ecosystem of the Laguna Madre and not concentrate on any one area of the 117-mile long lagoon in the project area. This often led to lengthy debate among the agencies who were charged with protecting different resources in this complex environment. Throughout these discussions, the agency representatives were able to remain focused on the entire ecosystem, rather than a part of it, and recommend a management plan that would best achieve their goal. This management plan is described in the Dredged Material Management Plan (DMMP) in the Final EIS. I must reiterate that all of the agencies were able to participate and a consensus among the primary members was achieved on the management plan for the improvement of the entire lagoon.

2. The USACE intends to perform sediment quality testing prior to maintenance dredging operations. This testing will be conducted according to published EPA/USACE guidance manuals. For purposes of evaluating these data, the Washington State Marine Sediment Quality Standards will be treated as Sediment Quality Guidelines (SQGs). This position is based on the fact that there are no applicable State of Texas sediment quality standards or criteria applicable in this situation for the Laguna Madre, nor is there any scientific basis for application of standards from one geographic area to another. It is the policy of the USACE that SQGs cannot be used deterministically in dredged material management decision making. Rather, they will be used only as an initial screen for determining if higher "effects-based" testing is needed. If available SQGs indicate that there is no "reason to believe" contaminants are present, no further chemical or toxicological evaluations are necessary. If the sediments are determined to be

contaminated through application of the “reason to believe” process or SQGs are exceeded, effects-based testing will be considered. This policy is consistent with the way the State of Washington applies their sediment standards. As clarification, the standards referenced in your letter are applicable only to Puget Sound; however, different criteria are applied for the evaluation of dredged material deposited into Puget Sound under the Puget Sound Dredged Disposal Analysis (PSDDA) Program.

3. We believe the NPS concern about the recovery of benthic invertebrates as a result of open-water disposal is overstated in light of Dr. Sheridan’s work. While it is true that Dr. Sheridan stated that benthic invertebrates may take 5-10 years to recover, this is only in the Maximum Impact Zone (MIZ). The MIZ consisted of muds near the center of the placement area (PA) and was devoid of seagrasses. Dr. Sheridan also found that seagrass colonization of the MIZ became noticeable after 2+ years and was significant after 3+ years. These seagrasses provided structure and shelter for the fish and decapod communities, and as a result, these animals were showing signs of recovery in the MIZ even though their food (benthic invertebrates) had not shown signs of recovery during the 3-year study. Thus, he concluded that the impact to fishery and forage organisms declines over time, apparently in tandem with the disappearance of non-vegetated mud and reappearance of seagrass. Furthermore, he concluded that “Based solely on areal extent, seagrass burial and the subsequent lessening of system-wide productivity would appear to be small.”

These conclusions were based on an analysis of the entire lagoon ecosystem, not just one section of the Laguna Madre. If the USACE was required to seek alternate sites outside the Padre Island National Seashore (PINS), such as new shallow sites with extensive seagrass beds on the west side of the GIWW or the deeper non-vegetated parts of Emmord’s Hole (a very popular recreational fishing spot), this would shift impacts from an area that has been used for the past 50+ years and has adjusted to the impacts to a new area that has never been impacted and will result in new and potentially more severe impacts to the ecosystem. Furthermore, the ICT considered NPS concerns and utilized the PINS management plans for the PAs located in PINS boundaries to the maximum extent possible. It was the consensus opinion of the ICT that the final DMMP represented the least environmentally damaging plan, consistent with engineering and economic constraints, for the entire Laguna Madre. This includes a reduction in the impacts to the ecosystem located within the section of the Laguna Madre inside PINS boundaries.



LARRY BARBISH
President
New Orleans, LA

JOHN McCLELLAND
President Elect
Mobile, AL

ROY PONTIFF
Secretary
New Iberia, LA

LEROY GOODSON
Treasurer
Austin, TX

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GULF INTRACOASTAL CANAL ASSOCIATION

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October 16, 2003

Dr. Terrell W. Roberts
U.S. Army Corps of Engineers
P. O. Box 1229
Galveston, TX 77553

Dear Dr. Roberts,

Please accept this letter as formal comment from the Gulf Intracoastal Canal Association on the US Army Corps of Engineers Dredge Material Management Plan and Final Environmental Impact Study on the Laguna Madre portion of the Gulf Intracoastal Waterway in Texas. The GICA strongly endorses the above study and resulting Dredge Material Management Plan as published for several reasons:

1. The plan represents the work of eight State and Federal Agencies, completed over a seven year period, at a cost of over five million dollars. The plan was unanimously agreed to by ALL eight agencies.
2. All presented alternatives were evaluated exhaustively and the least cost, environmentally acceptable alternatives were chosen as a starting point for the plan.
3. Offshore disposal was specifically evaluated in a very thorough, scientific manner as requested by others outside the Interagency Coordination Team, and found to be both environmentally and economically not feasible.
4. The plan is flexible and can be modified, with the agreement of the eight participating agencies, as needed, based on results of the required monitoring of conditions resulting from the plan implementation.
5. The plan calls for selective "dredging windows of time" to allow for minimum impacts on seagrasses at appropriate areas.
6. The plan calls for enhancement of existing placement areas that have become nature preserves.
7. The plan calls for selectively confining placement areas to prevent the spread of dredge material where appropriate.

The GICA encourages the appropriate agencies of the Federal Government and Congress to insure that this plan is implemented as recommended and that all obstacles be removed to its moving forward smoothly.

Most Sincerely,

Raymond Butler
Executive Director
Gulf Intracoastal Canal Association

Cc: Les Sutton, Kirby Corporation

RESPONSE TO COMMENTS

Raymond Butler
Executive Director
Gulf Intracoastal Canal Association
2010 Butler Drive
Friendswood, TX 77546

Comment No.	Response
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1.	Thank you for your comments.
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October 17, 2003

Dr. Terrell Roberts
US Army Corps of Engineers
2000 Fort Point Road
Galveston, Texas 77550

Dear Dr. Roberts,

Please accept this letter as formal comment from the Texas Waterway Operators Association on the US Army Corps of Engineers Dredge Material Management Plan and Final Environmental Impact Study on the Laguna Madre portion of the Gulf Intracoastal Waterway in Texas. The TOWA strongly endorses the above study and resulting Dredge Material Management Plan as published. The plan represents the work of eight State and Federal Agencies, completed over a seven year period, at a cost of over five million dollars, and was unanimously agreed to by ALL eight agencies. The recommended alternatives were evaluated exhaustively and the least cost, environmentally acceptable alternatives were chosen as a starting point for the plan. We thank the ICT for their extended efforts to evaluate all Gulf disposal options, and we endorse the findings that Gulf disposal is not an environmental or economical solution. We applaud your unique approach to monitoring of practices as they are implemented and providing for modification of the plan according to the direction of the ICT. We also acknowledge your protection of seagrasses by providing for a dredging window during dormant periods. Finally, we especially appreciate the plan's approach to enhance the existing wildlife habitat that has been brought about by the presence of dredge material islands, and the confining of certain placement areas.

The TOWA encourages the appropriate agencies of the Federal Government and Congress to insure that this plan is implemented as recommended and that all obstacles be removed to its moving forward smoothly.

Most Sincerely,

A handwritten signature in cursive script that reads "Dennis Hansell". The signature is written in black ink and is positioned above the printed name and title.

Dennis Hansell
President

RESPONSE TO COMMENTS

Dennis Hansell
President
Texas Waterway Operators Association
Kirby Corporation
55 Waugh Drive
Houston, TX 77007

Comment No.	Response
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1.	Thank you for your comments.
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King Fisher

Box 166

PORT LAVACA, TEXAS 77979

October 15, 2003

U. S. Corps of Engineers
Attention: Dr. Terry Roberts
P.O.Box 1229
Galveston, Texas 77553-1229

Re: Intracoastal Canal, Laguna Madre

Dear Dr. Roberts:

The U. S. Corps of Engineers is in the process of taking comments and objections on the problems in the Laguna Madre concerning the placement of spoil and the possibility that the canal could be closed due to the restrictions that may apply because of the wording in certain legislation now in Congress.

Make no mistake concerning what this decision is all about: It is NOT about reserving land rights to land owners: It is about CONTROL, with the party in control determining not only where the dredge spoil is to go, but also whether or not it can be placed at all—and control there means they have the power to deny spoil placement, thus destroying the Intracoastal Canal, thus shutting down this vital artery, a national essential not only for transportation but also militarily for the protection of our shores.

I have been reading your material that you have on your web site concerning this, and it covers a great deal about the actual placement of the spoil. I find no place where you address the problem of control. I would, however, like to give you some additional information, hoping that it will enable you to make good decisions on how to handle this problem.

I have lived my entire life on the Texas coast. I grew up in the seafood business, worked the entire Texas coast seismographing the coastal waters, and then started a marine construction business which I operated for 57 years. This Company grew from nothing to be the largest dredging company in Texas. I sold it 7 years ago. In my lifetime I have seen the Intracoastal Canal grow from nothing to become a vital artery of the United States transportation system. I have served as President of the Gulf Intracoastal Canal Association for two terms, and have continued to serve on the Executive Committee for many more years.

I want you to know that I can understand why a large corporation like the King Ranch would want to have complete control of the land alongside the Intracoastal Canal where it cuts through their ranch, but I have never seen any waterways, rivers, bays or

canals where any corporation or private individual had control of those waters. If this is allowed to be enacted, the next step is for this to become nationwide—then who controls our waterways?

I have seen spoil placed in many different places. At one time, I had three contracts from the U. S. Engineers in Laguna Madre, consisting of 60 miles of channel, maintaining the Intracoastal Waterway. In the Laguna Madre, much of the spoil that is placed on the islands consists of rotted grass that accumulates in the channel bottom, and it is so rich in nutrients that it acts as fertilizer on the spoil islands, which are dredge dumps. Those islands then accumulated growth, attract birds, are attractive to fishermen, and are pretty to look at. Any additional spoil placement on them will just add to their usefulness.

While I was President of the Gulf Intracoastal Canal Association, I personally interviewed three old fishermen that had lived their lives in the Laguna Madre area. Their life spans included fishing in the Laguna Madre before there was an Intracoastal Canal, as well as after. They had personally seen the fish die-offs each summer when circulation in the Laguna Madre almost ceased, and the water became so salty that fish became blind and died. They had personally seen the dead fish, red fish, trout and flounder on the shores laying 5 to 15 feet wide for a shore length of 8 to 10 miles. There have been no fish die-offs from lack of circulation and overabundance of salt since the Intracoastal was completed in 1945.

The Rio Grande Valley is dependent on the barge traffic of the Intracoastal Canal to a great extent—particularly for petroleum products. Commerce is our life blood when it comes to jobs and taking care of our families. If the Intracoastal Waterway between Brownsville and Corpus Christi were to be shut down, businesses shut down, immense layoffs of personnel takes place, there is a staggering loss of income to the area, and a slide backwards into poverty for untold numbers of the people in the Rio Grande Valley.

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Don't let it happen!

Yours truly,

King Fisher
King Fisher

KFmjtf

RESPONSE TO COMMENTS

King Fisher
P.O. Box 166
Port Lavaca, TX 77979

Comment No.	Response
1.	Thank you for your comments.
2.	There were no new upland sites on private lands identified in the DMMP for acquisition. Therefore, there was no need to address the issue of private landowners controlling dredged material placement in the DMMP and FEIS.
3.	Thank you for your comments.

CADWALADER

Cadwalader, Wickersham & Taft LLP

1201 F Street N.W., Suite 1100
Washington, DC 20004
Tel: 202 862-2200
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New York
Washington
Charlotte
London

October 31, 2003

By Fax & Registered Mail

U.S. Army Corps of Engineers District, Galveston
Lloyd H. Saunders, Chief, Planning, Environmental Regulatory Division
Dr. Terrell Roberts
CESWG-PE-PR
P.O. Box 1229
Galveston, TX 77553-1229

Re: Comments on Final EIS for Gulf Intracoastal Waterway, Laguna
Madre, Texas, Maintenance Dredging

Gentlemen:

The following comments are submitted on behalf of the King Ranch, Inc. ("King Ranch") regarding the above referenced final environmental impact statement ("EIS").

The King Ranch previously submitted comments on the draft EIS, detailing the unacceptable environmental consequences that would occur if there were to be any upland dredged-spoil disposal on the mainland shoreline of the Laguna Madre. The King Ranch remains opposed to any use of its shoreline property for such disposal, regardless of whether or not the government offers compensation. 1

Subject to the foregoing opposition, in its previous comments on the draft EIS, the King Ranch also noted that the government would be required to pay many tens of millions of dollars in condemnation costs if the Corps should ever attempt to require disposal on upland sites on King Ranch property. The Corps noted the King Ranch's comments in the Response to Comments section of the final EIS but did not specifically respond to its discussion of condemnation costs. However, Section 2.11 of the final EIS refers to the federal navigation servitude under the Commerce Clause of the United States Constitution. The final EIS states: 2

October 31, 2003

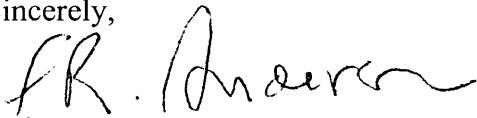
This power grants the United States the prior right to use the bed and banks of navigable waters for the purposes of navigation without payment of just compensation to the owner¹

While the EIS's reference to the navigational servitude may have been directed to in-bay disposal islands, it is important to dispel any possibility of misconstruing the extent of the navigational servitude. Judicial decisions have interpreted the Constitution as providing the Corps with limited powers to use submerged lands up to the mean high tide line, but requiring condemnation and payment of just compensation for any use of privately owned banks above mean high tide. See *United States v. Rands*, 389 U.S. 121, 123 (1967); *United States v. Cherokee Nation of Oklahoma*, 480 U.S. 700, 704 (1987).

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Congress codified the Supreme Court's position in this respect in the Rivers and Harbors Act section 111, 33 U.S.C. § 595a.

Sincerely,



Frederick R. Anderson
Jonathan R. Stone

Counsel for the King Ranch

cc: Jack Hunt, President, King Ranch, Inc.
Frank Perrone, Esq., General Counsel, King Ranch, Inc.

¹ Final EIS, page 2-62.

RESPONSE TO COMMENTS

Frederick R. Anderson
Counsel for the King Ranch
Cadwalader, Wickersham & Taft LLP
1201 F Street N.W., Suite 1100
Washington, DC 20004

Comment No.	Response
1.	Comment noted.
2.	A response to the comment on the cost of acquiring upland sites on King Ranch property was deemed unnecessary since the cost would be highly speculative and it was a moot point since there was no need for an upland site identified in the DMMP for this location.
3.	We agree.

Roberts, Terrell W SWG

To: Hauch, Robert G SWG
Subject: FW: French comments on EIS

-----Original Message-----

From: Tom_Shearer@fws.gov [mailto:Tom_Shearer@fws.gov]
Sent: Sunday, November 02, 2003 4:05 PM
To: Roberts, Terrell W
Cc: jfrench@stx.rr.com
Subject: French comments on EIS

Forwarded by request...

Terry:

I got that SEIS from PBS&J Thursday and scanned the bits about Emmord's Hole. Suggest you do some damage control, maybe in a separate news release, and for sure in a series of revisions to the SEIS. To start with, you've got a typo on the subject in the first sentence under "Areas of Controversy and Unresolved issues" in the Summary at p. x. Next, consider clarifying things with a map showing both Emmord's Hole and the PINS boundaries, and provide a table indicating the 50-yr capacities of the PAs within those boundaries. Also, on p. 2-66, clarify whether the specific usage of the extension of PA 186 into Emmord's Hole is an option of last resort, as its usage is generally described elsewhere in the text. Finally, have your DE stop listening to the Corps' lawyers and make a decision to state clearly in the SEIS, if it is indeed the case, that PINS, not PA capacity, is forcing Emmord's Hole to remain an option. The SEIS comes close, but not close enough, to doing this on p. 2-75. You can be sure by now the NPS isn't going to budge from its position on the need for a permit from it, so there's nothing to be gained by continuing to be diplomatic over Emmord's Hole. NPS is bluffing about making the Corps do another EIS over the permit. What's it going to do, refer the SEIS to CEQ for want of the permit? If it wants an EIS, let NPS try to get funding to do its own (after all, as the permitting agency, it'd be the lead agency), and stop trying to extort the DE's cooperation via the SEIS. If by some miracle it got Congress to grant it (or the Corps, as permit applicant) the funding and pushed for filling Emmord's Hole in its EIS, then NPS and the PINS honchos, not the DE and the ICT, would be the sole wearers of the black hats. I like that picture; do you think I should I share these bits of advice in my official comments on the SEIS, and cc them to David Dikes? I'm not being facetious.

Johnny

Tom Shearer
Wildlife Biologist

Mail: USFWS/TAMUCC
Campus Box 338
6300 Ocean Drive
Corpus Christi, Texas 78412

Delivery: USFWS/TAMUCC
CESS BLDG RM 118
6300 Ocean Drive
Corpus Christi, Texas 78412

RESPONSE TO COMMENTS

Johnny French
jfrench@stx.rr.com

Comment No.	Response
1.	As a former member of the Laguna Madre ICT and a USFWS representative during coordination on many USACE navigation projects, you are aware that the USACE does not make news releases at this stage of NEPA compliance, except for notices of availability or public and scoping meetings. The USACE held two public information meetings during the public comment period on the Draft EIS to inform the public on all issues concerning the project and some of the news media attended at least one of the meetings. The USACE will continue to review the management plans in the DMMP in coordination with the ICT and will make revisions as needed.
2.	Thank you for locating the error. The Final EIS was reviewed many times, but errors in a document this size will sometimes slip past reviewers. The error is very minor and will not affect the information provided in the EIS nor the interpretation of it by readers.
3.	A map showing Emmords Hole was not included in the EIS because of the scale and other features in the existing maps would make it unreadable. Emmords Hole is indicated as being adjacent to PAs 183-189 in the text to provide an idea of the location. The exact location of the site, other than the deepest area near PA 186, is not necessary since the entire hole would not be used for deposition of dredged material if it were to be used at all. The area is a well known feature and its delineation is no more necessary than is one for another well known feature discussed in the EIS called "The Hole" or "Nine-Mile Hole". PINS boundaries are provided in Figure 1-1 on page 1-5. A table of capacities of the 10 PAs within the PINS boundaries was not provided because they are unconfined, open-bay sites and have an unlimited capacity for the next 50 years or more. Subsequent to public review of the FEIS, the issue over the use of Emmord's Hole has been rendered moot with Congressional language added to an appropriations bill (Public Law 108-137, 117 Stat 1832). This language clarified Congress' intent for the USACE to use all existing PAs as described in the FEIS and DMMP in maintaining the GIWW in the Laguna Madre. This includes all the PAs located inside PINS boundaries. Therefore, there is no need to use Emmord's Hole for any "excess" dredged material normally designated for existing PAs inside PINS.
4.	We believe it is stated clearly that Emmords Hole was considered as a potential disposal site only if the USACE could not use the designated PAs without restrictions from PINS. There is no capacity issue for these PAs. The USACE has no intention of preparing another EIS for a special use permit to use these PAs. This EIS consumed 8 years and over \$5.5 million in study and preparation

and covers the small portion of the Laguna Madre inside the PINS boundaries, as well as the entire Laguna Madre between the JFK Causeway and Port Isabel.

5. While we cannot advise a private citizen on where to send comments, this may be an opportunity to accomplish the suggestion you made in comment #1.



ENVIRONMENTAL DEFENSE

LETTER TO WORK

October 23, 2003

Dr. Terry Roberts
U.S. Army Engineer District, Galveston
P.O. Box 1229
Galveston, TX 77553-1229

Dear Terry,

Environmental Defense appreciates the Corps of Engineers' official response to our comments on the Draft Environmental Impact Statement (DEIS) that are included in the recently released Final EIS.¹ Without waiving any of our previous comments, which we do not believe have been adequately addressed by the responses, we have a few additional comments on the Final EIS.

We continue to urge our three principal objections to the EIS: (1) the inadequacy of the cost/benefit analysis of the damage caused to recreational fisheries by open water disposal of dredge material; (2) the lack of legally sufficient or compelling reasons for not including cessation of dredging of this segment of the waterway as a scenario in the range of alternatives analyzed by the EIS; and (3) the lack of specificity in the preferred alternative (50-yr DMMP).

The approach used to analyze alternatives and form the DMMP does include the economic benefits of recreational fishing and tourism, which are substantial. However, it does not quantify the damage to this industry as a result of maintenance dredging and dredge disposal. Yet, the EIS acknowledges that the disposal practices will have potential adverse environmental effects on the resources, such as sea grass beds, on which recreational fish species depend. Failure to analyze these impacts is a fatal flaw. See, e.g., 40 CFR 1502.23 (cost benefit analyses must consider relationship to unquantified environmental impacts, values and amenities).

The EIS, virtually without analysis, rejects cessation of dredging of the GIWW as a viable alternative to be considered. Essentially, the Corps summarily concludes that the waterway is an "important, safe and low-cost" means of transporting goods (FEIS at 2-2). However, as we have noted in our comments on the DEIS, the use of the GIWW is by no means "low-cost", in that it requires substantial federal maintenance subsidies. Moreover, the disposal of dredge material imposes significant costs on the environment.

¹ Please note that our letter to you came from the Austin, Texas office of Environmental Defense, not the New York office. The letter was mistakenly submitted on New York office letterhead, and we apologize for the confusion.

As to the "importance" of this segment of the waterway, we continue to assert that traffic volumes are quite low, and that nothing in the EIS analysis demonstrates that alternative modes of transporting goods could not just as easily meet the needs of the Lower Rio Grande Valley.

3

NEPA regulations require that an EIS "rigorously explore and objectively evaluate all reasonable alternatives." 40 CFR 1502.14 (a). The standard to be applied is the "rule of reason."

While the analysis of the closure alternative may or may not show it to be the preferred alternative, *failure to include it* in the alternatives analysis is a fatal flaw in the EIS. Certainly, there is nothing unfeasible or unreasonable associated with analyzing alternative modes of transport for the limited amount of goods currently moved through this segment of the GIWW. Pipeline and road transport are well-established, cost-effective methods of transport that could be readily employed if dredging of this segment of the GIWW were to cease.

4

The point of an EIS is to provide decision-makers with the best information upon which to make their decision. Failure to analyze a reasonable alternative, such as cessation of maintenance dredging, deprives those decision-makers of the objective analysis they need to make a fully informed decision, violating both the letter and spirit of NEPA directives. See 40 CFR 1505.2(b).

5

Finally, we continue to assert that the FEIS is flawed because it does not bind the Corps to using the "best management" disposal techniques outlined in the DMMP. Instead, the FEIS says such techniques will only be used "to the extent practicable." (FEIS at iii). If fully implemented, the combination of the best management practices *might* be more environmentally sound than existing practices. However, the EIS does not provide any assurance that the Corps *will* choose to follow the recommendations of the ICT, or that it *will* implement the best management practices specified in the DMMP. Thus, the entire basis for concluding that the DMMP is the "preferred alternative" is legally and logically flawed.

6

Thank you in advance for consideration of these comments. Please do not hesitate to contact us if you have any questions.

Sincerely,



Karen Chapman

Cc: LLMF

National Park Service, SPI
King Ranch

RESPONSE TO COMMENTS

Karen Chapman
Environmental Defense
44 East Avenue
Austin, TX 78701

Comment No.	Response
1.	We disagree. As you state, the EIS acknowledges that present disposal practices may have potential adverse impacts on fishery resources; however, the EIS goes on to state that these impacts are local and temporary and should not significantly affect the fishery overall. The EIS also states that, when compared to present maintenance practices, the management plans in the DMMP represent an improvement by reducing the impacts to fishery resources. Thus, while it may not be quantifiable, the DMMP would represent a benefit to the ecosystem.
2.	The reasons for not considering cessation of dredging of the GIWW as an alternative are clearly described in Section 2.2 of the EIS.
3.	A complete analysis of alternative modes of transportation was conducted and the results presented in Section 4.13 of the EIS. The analysis clearly shows that the GIWW is the lowest cost method of transportation for the Lower Rio Grande Valley.
4.	The reasons for not evaluating closure of the GIWW are clearly presented in Section 2.2 of the EIS. The economic analysis of alternative modes of transport was described in Section 4.13 of the EIS.
5.	All reasonable alternatives were analyzed using the best available information and the results clearly presented in the EIS for decision-makers to consider. We fail to understand how this deprives the decision-makers of an objective analysis for a fully informed decision. Thus, this EIS fulfills both the letter and spirit of all NEPA directives.
6.	We disagree. The entire study process and report preparation was done in close coordination with the ICT and a consensus was achieved throughout the eight years of work. Considered by itself, this indicates that the USACE is serious about reducing impacts to the Laguna Madre's resources and will incur greater expense in the future to achieve this goal. Furthermore, the USACE has agreed to work with the ICT to develop a monitoring plan to determine if the objectives of the management plans described in the DMMP are being achieved. The ICT will continue to function as a team to help the USACE modify the DMMP, as needed, to achieve these objectives. As expected, there are economic and engineering constraints or limitations which the ICT has recognized and accepted. The USACE has not arbitrarily rejected any reasonable management plan identified by

the ICT and the continued cooperation and consensus of the ICT is evidence of the close working relationship that has been established between the agencies. Therefore, we do not find the DMMP, as the preferred alternative, to be legally and logically flawed.

Terry Roberts
Corps of Enmginers
2000 Fort Point Rd
Galveston, TX 77550

Subject: Placing of dredged material from Intracoastal Waterway between
Padre Island National Seashore and King Ranch

Dear Mr Roberts:

I do not believe that a Senate bill prohibiting placement of dredged material from the Intracoastal Waterway on "private land between Padre Island National Seashore and King Ranch" should be supported by the Corps of Engineers.

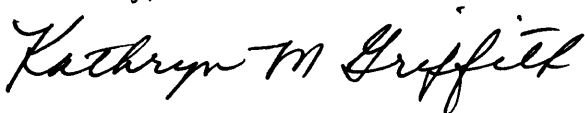
I also do not believe that all dredge material from the IWW should be deposited on "several small archipelagos just off Padre Island Seashore," as these areas were described in the Corpus Christi Caller-Times on October 7.

I am in favor of a compromise being reached wherein:

- certain selected areas on private mainland which would not affect bird and fish habitats on the King Ranch and elsewhere along the Waterway would be condemned and used,
- certain selected areas off Padre Island Seashore in the Laguna Madre would be used,
- a limit will be put on the exact amount of dredge material to be placed in each location, and when that specific location reaches its saturation point, another specific designated location will then begin to be used until the limit is reached, and so on over the years.

In other words, there will be exact locations designated, and strict monitoring of proper placement of dredged material. Creation of spoil islands in designated locations can be beneficial to bird and fish populations in the Laguna Madre.

Sincerely,



Kathryn M. Griffith

cc Rep. Solonon Ortiz
Sen. Kay Bailey Hutchison
Raymond Butler, Gulf Intracoastal Canal Association
Director, Padre Island National Seashore
President Jack Hunt, King Ranch
Pat Suter, Sierra Club

RESPONSE TO COMMENTS

Kathryn M. Griffith
456 Eldon Dr., #1-3
Corpus Christi, TX 78412-2407

Comment No.	Response
1.	Thank you for your comments. The USACE is actively working with an Interagency Coordination Team (ICT) comprised of eight State and Federal resource agencies and two advisory members to designate sites for disposal of dredged maintenance material, create management plans for handling the dredged material, and monitor the sites to ensure the objectives of the management plan are achieved.

LLMF
Lower Laguna Madre Foundation
P. O. Box 153
Port Mansfield, Texas 78598
PHONE: 956-944-2387 FAX: 956-944-2278
E-mail llmf@granderiver.net

November 2, 2003

Colonel Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
2000 Fort Point Road
Galveston, Texas 77550

Dear Colonel Waterworth:

After careful scrutiny of the U.S.A.C.E. responses to the Lower Laguna Madre Foundation's comments on the Draft EIS of the Laguna Madre, I can only conclude that there is little or no interest on the part of the Corps to deviate from your long standing hardened position regarding unconfined open water disposal of spoil material in the Laguna Madre. It looks like the next fifty years is pretty much the same as the past fifty with only cosmetic changes. The continued unwillingness to take offshore disposal seriously is shortsighted and unhelpful.

Please resubmit the LLMF's DEIS comments and this cover letter as our FEIS comments.

Sincerely,

Walt Kittelberger, Chairman
Lower Laguna Madre Foundation

LLMF
Lower Laguna Madre Foundation
P. O. Box 153
Port Mansfield, Texas 78598
PHONE: 956-944-2387 FAX: 956-944-2278
e-mail llmf@granderiver.net

June12, 2003

Colonel Leonard D. Waterworth
District Commander
U.S. Army Corps of Engineers
2000 Fort Point Road
Galveston, Texas 77550

Re: Lower Laguna Madre Foundation (LLMF) comments pertaining to the Laguna Madre
Draft Environmental Impact Statement

Dear Colonel Waterworth:

The Lower Laguna Madre Foundation wishes to thank all members of the ICT who spent many years searching for a solution to the questions contained in the DEIS. The LLMF acknowledges some progress has been made and believes that with additional effort a DEIS/DMMP can be completed that will make all citizens of the United States proud. Sadly, we feel the DEIS currently falls short of its NEPA mandate regarding protection of the Laguna Madre. Perhaps the clearest evidence of the bias of the DEIS favoring industry over the environment was illustrated at the May 8, 2003 DEIS public hearing held in Brownsville, Texas. Representatives from the ports, the barge companies and the dredging interests all stood up and gave the DEIS rave reviews. All other interested parties were disappointed, to say the least.

In the spirit of *essayons* the LLMF hereby submit its comments regarding the Laguna Madre DEIS.

Section 3.12.2.3: According to the figures provided in the DEIS, 64% of the commodities transported along the Laguna Madre reach of the GIWW are refined petroleum products. Despite this acknowledgement the DEIS does not contain a detailed cost comparison of pipeline versus barge transport. Why? The DEIS fails to acknowledge the existence of the pipeline that runs from Corpus Christi to the Rio Grande Valley. Instead the DEIS makes only a brief mention of a *proposed* pipeline and then suggests that using this *proposed* pipeline could increase transportation costs by five million dollars per year! This conclusion is invalid on its face because a pipeline *does* exist! In reality the existing pipeline has recently been upgraded and is capable of handling most, if not all, of the refined petroleum product currently transported via shallow draft barges (August 15, 2000 Coastal Corporation Press Release, attached). A fair cost comparison must take the existence of this pipeline into account.

It is the opinion of the Lower Laguna Madre Foundation that this pipeline vs barge cost comparison was not done because it would reflect badly on the viability of the GIWW south of Corpus Christi. In fact, the current benefit/cost ratio is so marginal that if even a small amount of product currently being shipped via barge were transferred to the pipeline, the benefit/cost ratio would likely drop below the necessary 1:1 that is required to show a continued federal interest in the Laguna Madre reach of the GIWW.

In addition to making great sense environmentally as well as economically, it should also be noted that pipelines provide a safer alternative to barges or trucks. The deaths of eight people as a result of the collapse of the Queen Isabella Causeway in September of 2001 and the deaths of fourteen people last May on the I-40 bridge over the Arkansas River, both of which were caused by barge collisions, serves to highlight this issue. According to the National Transportation Safety Board (NTSB), in the past ten years alone there have been approximately two thousand seven hundred collisions of our nation's bridges. When one takes into account the projected population growth of the Rio Grande Valley, it is clear that tragic event such as the collapse of the Queen Isabella Causeway will become more likely not less. The possible construction of a second causeway makes this yet more likely.

Section 4.17 states: "Only placement on terrestrial upland areas or leveed (in the bay) areas would prevent direct impacts to the seagrass beds, though the conveyance to the upland sites would impact seagrass habitat, along with other estuarine and upland habitat." The LLMF agrees that upland disposal is a very bad option and should be discarded. The fact the DEIS recognizes the importance of removing the material from the system is also a point of agreement.

We do not agree, however, that upland or leveed sites in the Laguna are the only option. We believe offshore placement resolves the issue. Offshore placement does not destroy seagrass, upland, or other estuarine habitat, and also eliminates the costly routine of reworking the same material. Offshore placement would also protect the Laguna from storm related releases of spoil from "contained" sites. The ICT argument against the LLMF's preferred method (cutterhead/scow) appears to be based on cost concerns. ICT chairpersons stated many times that *cost and political expediency* were not considerations in the creation of the DMMP. If this is true then why is offshore placement considered "fatally flawed" for the lack of scows? Scows are easily built and if amortized over the life of the DMMP would be quite cheap and readily available (Gahagan & Bryant Associates, April 12, 2001, attached).

A recent technical paper in the Journal of Waterway, Port, Coastal and Ocean Engineering is entitled, "*Factors Controlling Navigation-Channel Shoaling in Laguna Madre, Texas*" (Morton, R. A. et. al., 2001). This paper concludes in part:

"Shoaling in the Ocean Intracoastal Waterway of Laguna Madre, Texas caused primarily by recycling of dredged sediments. Sediment recycling, which is controlled by water depth and location with respect to the predominate wind-driven currents, is minimal where dredged material is placed on tidal flats that are either flooded infrequently or where the water is extremely shallow. In contrast, nearly all of the dredged material placed in open water > 1.5m deep is reworked and either transported back into the channel or dispersed into the surrounding lagoon..."

The DEIS indicates that only a 14% savings would accrue if all material were to be placed offshore. This assumption seems illogical in view of Morton's findings that nearly ALL material placed in open water sites ends up back in the GIWW or is dispersed into the Laguna. The LLMF believes this 14% figure was arrived at politically not scientifically.

Transporting material from reaches 1 and 2 and existing upland areas (such as the mouth of the Arroyo Colorado) offshore would obviously give a wrong impression as to the economic viability of the offshore option. The LLMF has never suggested moving material from these areas offshore. Reworking would be eliminated if offshore placement were used. This would save millions of tax-dollars over the life of the 50-year DMMP. Reducing dredging frequency by eliminating reworking is the key to saving tax dollars and seagrass. The DEIS acknowledges this by referring to savings associated with reduced frequency in the context of upland and leveed in-the-bay placement.

June 12, 2003

Page 4

Why not with offshore placement? The LLMF believes this is where political expediency comes in! A portion of the cost of offshore might have to be born by the primary beneficiaries of the GIWW (the barge companies). It is the LLMF's belief that the powerful barge lobby continues to hold sway over the Corps on the issue of offshore placement.

Mobilization/demobilization costs are typically the costliest part of most dredging projects. This aspect of future dredging costs was apparently not taken into consideration when "fatally flawing" the offshore placement option.

Excerpt from Carl Betteron, Chief of O&M, and USACE letter of June 16, 1994, attached:

"The point about placement of dredged material on King Ranch property versus open bay placement is a false dichotomy. Think about it. Even if the King Ranch had willingly turned over the property, nothing would have been resolved."

"The portion of GIWW dredged material which would have been placed on the ranch property is a minuscule part of the total material; the vast majority would still be targeted for open water placement. So the key issue would have remained unresolved."

On October 24, 1996 Governor George W. Bush sent a letter to Colonel Eric R. Potts, Galveston District Engineer. Governor Bush's letter stated in par, attached:

"Offshore disposal should be considered in the SEIS, as well as other disposal options. All parties should have complete information as to cost implications of offshore disposal methods and potentially related effects on overall dredging frequencies. An objective analysis will enable all concerned to determine what is best for Texas and begin exploring the most appropriate funding sources."

In a related newspaper article (Valley Morning Star September 26, 1996 attached), Governor Bush supported offshore placement of Laguna Madre GIWW dredge spoil: "It would be nice if the federal government would spend more money to do that", he said. "I believe that's a solution that everybody could live with."

Summary of Offshore Position:

For over a decade the Lower Laguna Madre Foundation has endorsed the offshore placement option, because we believe it is the only option that protects the living resources of the Laguna and acknowledges the importance of the GIWW. Therefore, it is the only politically viable option. It allows the Corps to fulfill its congressional mandate, as well as, be in full compliance with the provisions of the National Environmental Policy Act. We believe the debate over the damage caused by open bay dumping will never be resolved until offshore placement is given a full and serious look. This was not the case in the ICT/DMMP or the DEIS.

Other comments regarding the DEIS are as follows:

On the one hand the DEIS claims credit for the reduction of salinity thru the construction of the GIWW (salinity reduction is not necessarily a good thing) and at the same time claims the DMMP will have no impact. Perpetuation of the GIWW will obviously continue to influence the salinity regime of the Laguna Madre. Whether this "freshening" is beneficial is open to debate and deserving of further study.

Referring to ES-1: the public was granted very limited access during the ICT process. Meeting notices were issued sporadically. Venues and meeting times placed an unreasonable burden on public participants.

Referring to ES-2 "primary concerns": the LLMF suggest seagrass protection be listed as a primary concern.

Referring to ES-3: the LLMF believes the most "obvious" impact of the current no-action alternative is the systematic loss of seagrass meadows in the Lower Laguna Madre. We also believe that the no-action alternative should be the cessation of dredging not the business as usual method of open-bay dumping.

Referring to ES-3: the LLMF believes the statement "The modeling studies showed that small impacts to be expected from turbidity from open-bay unconfined dredging and placement" This statement has no basis in reality and reflects flaws in the modeling study. Many studies (Quammen, Onuf 1993, USACE Section 216, January 1997) have shown great impact to seagrass due to open bay dumping and dredging activities in general.

Referring to ES-3 (Salinity): the LLMF argues that peer reviewed studies (Quammen, Onuf 1993 USACE Section 216, January 1997) have shown dredging projects have decreased the hyper-salinity of Laguna Madre, causing a drastic reduction in the acreage of Shoalgrass and a dramatic increase in Manatee Grass and other arguable less desirable seagrasses. Loss of Shoalgrass threatens the existence of Redhead ducks (Woodin), a federally protected species that could soon become endangered if the loss of Shoalgrass continues. Either alternative will continue to affect the salinity making this statement false and misleading.

“The salinity story can be argued from both sides (either higher or lower) so it is a complicated story. But the hypersalinity amelioration occurs in the upper Laguna only, where salinities once were near 100 they are now in the 40s and 50s. I think most estuarine biologists would agree that a fluctuating salinity that ranges from 10 to 30 ppt is optimal. Prolonged hypersalinity (>50) and prolonged freshets do cause damage to estuarine organisms. The problem is how long is long? I would guess more than a week. But in the end, estuarine organisms are euryhaline and can stand wide fluctuations in salinity over short time periods without any harm.” (Montagna, email to LLMF on June 6, 2003)

Referring to ES-5 The statement, “No live oyster reefs occur within the Laguna Madre ecosystem, with the exception of the South Bay population”, is false. A significant live oyster reef does exist a short distance east of PA 220 on both the north and south sides of the Mansfield Channel. This reef is expanding, primarily to the west, thus bringing it closer to PA 220 each year. Another live oyster reef is located a short distance southeast of Three Islands.

Referring to ES-6 The DEIS makes the statement that turbidity’s impact is short term and local. Peer reviewed studies (Quammen, Onuf 1993) have shown the impacts to be long term, cumulative and far-reaching. The LLMF believes the constant denial of accepted facts, such as this, weakens the credibility of the entire DEIS.

Referring to ES-7 (Wildlife Resources) Upland spoil containment sites attract wildlife such as whitetail deer and Nilgai due to their retention of rainwater. Once attracted these animals are often sucked down by the quicksand like ground conditions that exist within the sites. The animals then die a slow and painful death.

The vast majority of spoil islands in the Lower Laguna Madre are not viable rookery islands, because they are often land-bridged to the mainland, and are thus regularly patrolled by predators such as raccoons and coyotes.

June 12, 2003

Page 7

The USACE Section 216 Reconnaissance Report January of 1997 states: *"Additional detrimental effects attributed to the GIWW include blocking circulation within and between some coves and the lagoon by accumulating dredged material in an area until it becomes emergent or nearly emergent.*

Besides altering circulation patterns, the shallow disposal areas also allow terrestrial predators (coyotes and raccoons) easy access to several islands that were previously used as nesting sites by colonial waterbirds."

To constantly suggest spoil islands are valuable bird rookeries is a false and misleading statement. Currently the National Audubon Society leases a tiny number of spoil islands in the Lower Laguna Madre because their experts have determined the vast majority of spoil islands to be of little use as sanctuaries or rookeries. It is worth noting that National Audubon was the lead plaintiff who sued the Corps in 1994 for reasons related to spoil island proliferation.

ES-11 (Cultural Resources) There are many terrestrial archeological sites along the west shoreline of the Laguna Madre making ES-11 false and misleading.

Section 3.1.3 (Hydrology) The profound consequences on the hydrology of the Laguna Madre occur as a result of compartmentalization (Section 216 Reconnaissance Report January 1997) the creation of spoil islands both emergent and submerged causes a severe disruption of the natural hydrology of the Laguna Madre. Thousands of acres of bay have been cut-off from the main part of the Laguna as a result of spoil islands.

The most acutely impacted areas are those areas in reaches 5 and 6. An archipelago of spoil islands stretches from just south of Port Mansfield to just north of the Queen Isabella Causeway. Because many of these islands were created prior to the 1975 EIS, a full understanding of these island's impacts have not been adequately studied. To enlarge and perpetuate these islands by hardening them as is proposed in the DMMP is not advisable.

It is the fervent wish of the Board of Trustees of the Lower Laguna Madre Foundation that the Corps of Engineers addresses all listed concerns in a way that demonstrates a sincere desire to resolve this long standing and contentious matter regarding the degradation of the Laguna Madre due to the destructive practice of open bay dumping of dredge spoil.

Sincerely,

Walt Kittelberger, Chairman
Lower Laguna Madre Foundation

RESPONSE TO COMMENTS

Walt Kittelberger, Chairman
Lower Laguna Madre Foundation
P.O. Box 153
Port Mansfield, Texas 78598

Comment No.

Response

1. Comment noted. The comments you submitted to the Draft EIS and resubmitted verbatim to the Final EIS are included. However, since no additional information to support your claims has surfaced in the interim, our responses to your original comments on the Draft EIS remain unchanged.

Paul & Sam Ingale
334 Cambridge
Coppin Creek, TX 78412
361 991 8839

Mr. Terry Roberts
US Corps of Engineers
2000 West Fork Road
Galveston, TX 77550

Dear Mr. Roberts,

My son & I were absolutely
stunned at the lack of citizen
ship on the part of the King Ranch
is not accepting dredge from
Emmord's hole 1

Emmord's hole has always
been one of my favorite fishing
spots and is very productive. I
think we should not disrupt
the delicate eco system here. Thank
you.

Sincerely
Paul & Sam Ingale

RESPONSE TO COMMENTS

Paul & Sam Tisdale
334 Canterbury Dr., #258
Corpus Christi, TX 78412-2824

Comment No.

Response

-
1. Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.

Roberts, Terrell W SWG

From: jerkk@ev1.net
Sent: Tuesday, October 07, 2003 8:55 AM
To: Roberts, Terrell W
Subject: Dredged Spoil Dumping

As a citizen of Texas, and a former resident of Corpus Christi, I feel it is necessary to maintain the Intracoastal canal in a manner consistent with it's traffic.

I see no valid reason that either proposal be rejected ... dumping spoil onto the existing spoil island on the Padre Island side, or upon marsh lands on the mainland side (even it they are on private property). I would normally side with the land owner, but the King Ranch, and the water access of it's property's, is so vast and inaccessible it should be considered an asset to them to have the extra shore line which would result.

As for disruption of some birds now nesting on spoil islands, they've got a hell of a lot more choices for homes than the Corps does for spoil placement ... THEY WILL SURVIVE.

I also feel that the U.S. Corps of Engineers should have authority over the spoil islands, not the National Park Service.

Jerry Kellum
1231 Lady Lane
Duncanville, Texas 75116

RESPONSE TO COMMENTS

Jerry Kellum
1231 Lady Lane
Duncanville, TX 75116

Comment No.	Response
1.	Thank you for your comments.

Roberts, Terrell W SWG

From: Tony Moherek [tonym@SUEMAUR.com]
Sent: Tuesday, October 07, 2003 10:52 AM
To: Roberts, Terrell W
Subject: Dredge Spoils

Dear Sirs: please look into placing the spoils from Laguna Madre onto Laguna Shores Dr in Flour Bluff. My daughter rides a school bus (as well as hundreds of others) & this road is at or slightly underwater each day. This is a dangerous situation & needs to be corrected. The recent increase in population in Flour Bluff & Padre Isles neccessitates for the safety of our children that this critical thoroughfare be heightened & widened. The spoils would be perfect for elevating this road along a 5 mile section 2- 3 ft . With proper culvert placement the flow to the inland estuaries could be maintained without sacrificing critical habitat for the wildlife indiginous to this area. We can build an environment that preserves the natural beauty of the area as well as protect our children in transport over this road. God-forbid but would you want your child maimed or worse killed in a head-on accident because state & federal regulations prevented your ability to do something about it beforehand?

Tony Moherek
Exploration Geologist
tonym@sueaur.com
361-884-8824, xt57

RESPONSE TO COMMENTS

Tony Moherek
Exploration Geologist
tonym@suemaur.com

Comment No.	Response
1.	Although the option to use dredged material to raise a road was not considered by the ICT, it is not feasible to pump the dredged maintenance material from the Gulf Intracoastal Waterway (GIWW) in the vicinity of Emmord's Hole to Laguna Shores Drive. The average pumping distance is 10-12 miles, which would require several booster pumps and would not be economical. The greatest drawback for this option is the fact that most of the dredged material (42% - 93%) is composed of fine silts and clays and is not suitable for use as a road base or for building up the shoreline.

Roberts, Terrell W SWG

From: Thomas Harper [tharper@stx.rr.com]
Sent: Tuesday, October 07, 2003 5:19 PM
To: Roberts, Terrell W
Subject: Disposal of Dredged Material from the GIWW.I

Terry Roberts
Corps of Engineers
2000 Fort Point Road
Galveston, TX 77550

Dear Mr. Roberts:

I am opposed to dumping any dredged material on any spoil islands or natural islands within the Laguna Madre. Dredge material can destroy seagrass beds and impact shrimp, fish and oyster production. The redhead duck is dependent on seagrass as a food source during their winter stay in the Laguna Madre. Since the Texas coast has a significant erosion problem, this dredged material should be used to restore our beaches including those with in the Padre Island National Seashore. |

Sincerely,

Thomas Harper
13554 Port Royal Court
Corpus Christi, TX 78418

RESPONSE TO COMMENTS

Thomas Harper
13554 Port Royal Court
Corpus Christi, TX 78418

Comment No.	Response
1.	<p>The ICT evaluated upland and beach placement, offshore placement, and confined open-bay placement alternatives for the entire Laguna Madre. These alternatives would have eliminated unconfined placement in the open bay. However, except for some PAs, which are to be fully confined, the ICT had to reject these alternatives. As described more fully in Section 2.0, the upland and beach placement options were eliminated because of the permanent removal of seagrass habitat by dredging access channels to the mainland or Padre Island and the potential impacts to wetland habitat fringing the shoreline or located in depressions farther inland. Beach placement, especially in the vicinity of Padre Island National Seashore (PINS), was not an option because the National Park Service (NPS) would not allow pipe to cross their property to the beach. Also, most of the dredged material in this location is not beach quality sand and would not build up the beach. Although these alternatives were eliminated before a cost analysis was prepared, it was determined later that the cost would be prohibitive to use the upland and beach alternatives for all the dredged material.</p>

Roberts, Terrell W SWG

From: LB Voyles [lbvoyles@epscountl.com]
Sent: Wednesday, October 08, 2003 9:27 AM
To: Roberts, Terrell W
Subject: Intracoastal Waterway

In my opinion the waterway is very critical to our economy, and there is no reason the sediment could not be dumped on the King Ranch shoreline, or the spoiler islands. This is the way it has been handled in the past, and there is now reason for the taxpayers to foot the cost of transporting the material somewhere else. To increase the size of the islands is a good thing, it makes more room for nesting. The sediment came from the landmass along the intracosatal canal in the first place. /

L.B. Voyles / Corpus Christi Tx.
361-850-7170

RESPONSE TO COMMENTS

L.B. Voyles
lbvoyles@epscointl.com

Comment No.	Response
1.	Thank you for your comments.

Roberts, Terrell W SWG

From: Mike Anderson [mand13846@aol.com]
Sent: Thursday, October 09, 2003 9:12 AM
To: Roberts, Terrell W
Subject: Intercoastal Waterway Spoil Disposal

A recent article in the Corpus Christi Caller Times raised a concern with me regarding plans for spoil disposal from the Intercoastal Waterway south of Corpus Christi. A reasonable person could conclude from the plans and supporters of Padre Island National Seashore (PINS) and the King Ranch disposal site, the Recreational Fisherman of the Laguna Madre are about to see one of the few "deep water" fishing sites between Corpus and Brownsville filled with ICW spoil.

Since the PINS sites and the King Ranch site have significant political backers, the Emmords hole site becomes the defacto dump site. Let me assure you, Emmords Hole also has political backers. The Recreational Fisherman of the Laguna Madre do not want to see that fertile fishing spot filled in with spoil.

The spoil islands of the Laguna Madre were created by spoils from the ICW. They are now home to various wildlife. There should be no less concern for the wildlife of Emmords Hole simply because it is not as viable as the wildlife of the spoil islands. It boggles the mind that Emmords Hole is even on the list of potential dump sites. Why don't you put the rocks of Baffin Bay on there also? Maybe they are on there? Surely the Corps can find an acceptable compromise that doesn't destroy vital fish habitat on the Laguna.

While we may not own 850,000 acres of South Texas or be an agency of the Federal Government, but the fisherman of the Laguna Madre should also have an influence on the decision of the Corps on where to dump the ICW spoils..

NOT IN EMMORDS HOLE!

10/9/2003

RESPONSE TO COMMENTS

Mike Anderson
Mand13846@aol.com

Comment No.

Response

1. Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.

Roberts, Terrell W SWG

From: Mcdtime2@cs.com
Sent: Thursday, October 09, 2003 8:05 PM
To: Roberts, Terrell W
Subject: Intercoastal dredging dispute

You can go 2 or 3 miles south of Bob Hall pier and make a massive point into the surf with the sand from the dredging. Then the fisherman and the surfers have another place to go. Everyone wins.

10/10/2003

RESPONSE TO COMMENTS

Mcdtime2@cs.com

Comment No.	Response
1.	Thank you for your comments. Unfortunately, there is not enough sand to build a massive point in the surf and the cost to place a pipeline to the site and pump the material would be prohibitive.

Roberts, Terrell W SWG

From: JOHN4141@aol.com
Sent: Thursday, October 09, 2003 1:50 PM
To: terrell.w.roberts@swg02.usace
Cc: sikesd@caller.com
Subject: Intercoastal dredge spo

Please consider the \$100,000,000 recreational fishing impact versus the political lobby of the King Ranch and the Padre Is NS and leave Emmords Hole as it is: without dredge spoil. |

Thanks, JM Olson, 41 Camden Place, Corpus Christi, TX 78412

10/10/2003

RESPONSE TO COMMENTS

JM Olson
41 Camden Place
Corpus Christi, TX 78412

Comment No.

Response

-
1. Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.

Roberts, Terrell W SWG

From: Htchs38@aol.com
Sent: Monday, October 13, 2003 9:02 AM
To: Roberts, Terrell W
Cc: alvin.saathoff@elementis.com; Vetrep2@aol.com; jmars@the-l.net; HenryT@cctexas.com; LMKAYD@peoplepc.com; jay@jaywatkins.com; baffinbay@msn.com; art.morris@tpwd.state.tx.us; angler@intcomm.net; hal.osburn@tpwd.state.tx.us; qaguru@awesomenet.net; sikesd@caller.com; robert.vega@tpwd.state.tx.us
Subject: Emmords Hole as Dump site for dredged ICW Spoils

Terry Roberts -- Please **reconsider** dumping the intercoastal waterway spoils in the Emmords Hole area. The material dumped in, essentially, an open bay area will spread out and kill off the seagrass and other marine life. This will effect the fish that myself and other avid fishermen and tourist target. The local economic benefit from sports fishing in the Upper Laguna Madre exceeds \$100 million per year. Surely, The U.S. Army Corps of Engineers can find an alternative solution that does not effect this prime estuary and valuable recreational fishing area. Thanks for your help in resolving this situation. I feel that the recreational fishing community does not have the strong lobby and voice of other intrested parties such as the King Ranch, etc.

Guy Hutchison

Corpus Christi, TX resident since 1981

RESPONSE TO COMMENTS

Guy Hutchison
Htchs38@aol.com

Comment No.

Response

1. Thank you for your comment. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.

Roberts, Terrell W SWG

From: Alvin.Saathoff@elementis-na.com
Sent: Monday, October 13, 2003 11:17 AM
To: Roberts, Terrell W
Subject: Emmords Hole as Dump site for dredged ICW Spoils

Terry Roberts -- Please reconsider dumping the intercoastal waterway spoils in the Emmords Hole area. The dredged material will spread out and kill off the seagrass and other marine life. This will effect the fish that myself and other avid fishermen and tourist target. The local economic benefit from sports fishing in the Upper Lugana Madre is over \$100 million per year. I am sure the U.S. Army Corps of Engineers can find an alternative solution that does not effect this prime estuary and valuable recreational fishing area. Thanks for your help in resolving this situation. I feel that the recreational fishing community needs to retain all of the prime fishing ground and not spoil the area with dredge spoil. |

Thanks,
Al Saathoff, PE
361-880-7710 O
361-834-1155 M
361-883-5145 F
alvin.saathoff@elementis-na.com

RESPONSE TO COMMENTS

Alvin Saathoff, PE
Alvin.saathoff@elementis-na.com

Comment No.	Response
1.	<p>Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.</p>

Roberts, Terrell W SWG

From: Ryan Gandy [rgandy@earthlink.net]
Sent: Tuesday, October 14, 2003 10:07 AM
To: Roberts, Terrell W
Cc: captbehnke@aol.com
Subject: NO Open Bay Disposal in Emmords Hole/upper Laguna Madre

Dear Mr. Roberts,

I am concerned about the proposed disposal of ICW dredge spoils in Emmords hole in the Upper Laguna Madre. I am a marine biologist and local fisherman. I have spent many years fishing this area and I can not understand the logic of disposing spoils over this highly productive grass hole. I was under the impression that open bay disposal was becoming a thing of the past and that the Corps was responsible enough to lead the way and cease this type of destructive practice. 1

This area is a vital winter refuge for Trout and Red fish during the cold winter months. As it is one of the deeper and areas of the Upper Laguna (other than the ICW) this serves as a thermal refuge for many of the fish species of this area during severe cold fronts. Filling of this area and smothering of the grass under sand and silt from dredge spoils will eliminate this vast habitat. The next major freeze will definitely enact a larger toll on the resident fish populations if this deep water refuge is not available. If you want hard proof of this just watch where the fishermen concentrate after a strong cold front, they are in the hole 4' deep, and finding very lethargic fish in the deeper reaches of this area during these periods. 2

In addition the area is vital during the speckled trout spawning periods due to its ability to aggregate spawning schools over the grass mounds and edges of the "hole". Where else in the upper Laguna Madre is there this type of topography? No where! Loss of this type of habitat will detrimentally effect fish populations in the long term and the economic ripple effect will be felt throughout the recreational fishing community of this area. 3

Please do not proceed with the open bay disposal. This area is already under enough pressure from mans current interventions from industry and development. Your project will further degrade an area which has a significant ecological and economic impact on all of our lives here on the coast of the upper Laguna Madre.

Sincerely,
Ryan Gandy
B.S., M.S. and Ph.D.(candidate)

RESPONSE TO COMMENTS

Ryan Gandy
rgandy@earthlink.net

Comment No.	Response
1.	Thank you for your comment. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.
2.	Thank you for your comment. See response to comment #1 above for a resolution to this comment.
3.	Thank you for your comment. See response to comment #1 above for a resolution to this comment.

Roberts, Terrell W SWG

From: Captbehnke@aol.com

Sent: Wednesday, October 15, 2003 3:24 PM

To: Roberts, Terrell W

Subject: Fwd: NO Open Bay Disposal in Emmords Hole/upper Laguna Madre

1

RESPONSE TO COMMENTS

Captbehnke@aol.com

Comment No.

Response

-
1. Thank you for your comment. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.

Roberts, Terrell W SWG

From: Baker, Van [Van.Baker@puffer.com]
Sent: Tuesday, October 14, 2003 2:13 PM
To: Roberts, Terrell W
Subject: Spoil Disposal in Emmord's Hole - Laguna Madre

Terrell,

It has come to my attention that the Army Corps of Engineers is considering using Emmord's Hole in the Laguna Madre to dispose of spoil dredges from the Intercoastal Waterway. As an avid outdoorsman who frequently hunts and fishes the Laguna, I urge you to dispose of the spoils somewhere else. 1

Emmord's Hole may look like a 6 foot deep hole, but in reality it is prime habitat for a number of saltwater gamefish including speckled trout, redfish, and southern flounder. Dumping spoil dredges in this area would be a true environmental disaster. Fish use the deeper water during the winter time to forage for baitfish where the water is warmer on the bottom. By depositing more spoil material into the hole, the water depth will be effectively raised. This is eliminating habitat that helps maintain the health of the fishery throughout the winter months in South Texas. 2

I believe that trucking the spoil material out of the intercoastal is the right way to dredge the waterway. The spoil material can then be deposited on a suitable landfill location. There are many places on the Texas coast that have suffered from wetlands erosion and could benefit from being backfilled with sandy dredge material. 3

I would also like to remind you that hunters and anglers on the Texas gulf coast contribute millions of dollars to the local economy. We are also the environmental stewards of places like the Laguna Madre, as we only want what is best for the wildlife and aesthetics of the Texas coast. 4

Please do the responsible thing and dispose of the Intercoastal Waterway spoil material somewhere besides Emmord's Hole. Thank you for your time.

Van Baker

RESPONSE TO COMMENTS

Van Baker
Van.baker@puffer.com

Comment No.	Response
1.	Thank you for your comment. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.
2.	Thank you for your comment. See response to comment #1 above for a resolution to this comment.
3.	Most of the dredged maintenance material (42% - 93%) in the vicinity of Emmord's Hole is composed of fine silts and clays rather than sand and cannot be trucked to an upland site for disposal. It is a very fluid material that would leak out of trucks making this method of transportation impractical. Pumping the material directly to the shoreline north and outside of the King Ranch is also impractical as it would require several booster pumps. Even if the dredged material could be transported to the mainland, it is not suitable for renourishing eroded areas due to its fluid nature and would not provide a barrier for future erosion.
4.	Thank you for your comment.

Roberts, Terrell W SWG

From: Scott Cowan [scott.cowan@hughessupply.com]
Sent: Tuesday, October 14, 2003 2:25 PM
To: Roberts, Terrell W
Subject: Spoil Disposal in Emmord's Hole - Laguna Madre

Terrell,

It has come to my attention that the Army Corps of Engineers is considering using Emmord's Hole in the Laguna Madre to dispose of spoil dredges from the Intercoastal Waterway. As an avid outdoorsman who frequently hunts and fishes the Laguna, I urge you to dispose of the spoils somewhere else. 1

Emmord's Hole may look like a 6 foot deep hole, but in reality it is prime habitat for a number of saltwater gamefish including speckled trout, redfish, and southern flounder. Dumping spoil dredges in this area would be a true environmental disaster. Fish use the deeper water during the winter time to forage for baitfish where the water is warmer on the bottom. By depositing more spoil material into the hole, the water depth will be effectively raised. This is eliminating habitat that helps maintain the health of the fishery throughout the winter months in South Texas. 2

I believe that trucking the spoil material out of the intercoastal is the right way to dredge the waterway. The spoil material can then be deposited on a suitable landfill location. There are many places on the Texas coast that have suffered from wetlands erosion and could benefit from being backfilled with sandy dredge material. 3

I would also like to remind you that hunters and anglers on the Texas gulf coast contribute millions of dollars to the local economy. We are also the environmental stewards of places like the Laguna Madre, as we only want what is best for the wildlife and aesthetics of the Texas coast. 4

Please do the responsible thing and dispose of the Intercoastal Waterway spoil material somewhere besides Emmord's Hole. Thank you for your time.

Van Baker

SCOTT COWAN
SUNBELT SUPPLY CO.
PHONE:(979)233-9686
FAX:(979)233-1468/230-9363
E-MAIL:SCOTT.COWAN@HUGHESSUPPLY.COM

10/15/2003

RESPONSE TO COMMENTS

Scott Cowan
Sunbelt Supply Co.
Scott.cowan@hughessupply.com

Comment No.	Response
1.	Thank you for your comment. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.
2.	Thank you for your comment. See response to comment #1 above for a resolution to this comment.
3.	Most of the dredged maintenance material (42% - 93%) in the vicinity of Emmord's Hole is composed of fine silts and clays rather than sand and cannot be trucked to an upland site for disposal. It is a very fluid material that would leak out of trucks making this method of transportation impractical. Pumping the material directly to the shoreline north and outside of the King Ranch is also impractical as it would require several booster pumps. Even if the dredged material could be transported to the mainland, it is not suitable for renourishing eroded areas due to its fluid nature and would not provide a barrier for future erosion.
4.	Thank you for your comment.

Roberts, Terrell W SWG

From: IFlyABeech@aol.com
Sent: Wednesday, October 15, 2003 12:57 AM
To: Roberts, Terrell W
Subject: Spoil Disposal in Emmord's Hole - Laguna Madre

Terrell,

It has come to my attention that the Army Corps of Engineers is considering using Emmord's Hole in the Laguna Madre to dispose of spoil dredges from the Intercoastal Waterway. As an avid outdoorsman who frequently hunts and fishes the Laguna, I urge you to dispose of the spoils somewhere else. 1

Emmord's Hole may look like a 6 foot deep hole, but in reality it is prime habitat for a number of saltwater gamefish including speckled trout, redfish, and southern flounder. Dumping spoil dredges in this area would be a true environmental disaster. Fish use the deeper water during the winter time to forage for baitfish where the water is warmer on the bottom. By depositing more spoil material into the hole, the water depth will be effectively raised. This is eliminating habitat that helps maintain the health of the fishery throughout the winter months in South Texas. 2

I believe that trucking the spoil material out of the intercoastal is the right way to dredge the waterway. The spoil material can then be deposited on a suitable landfill location. There are many places on the Texas coast that have suffered from wetlands erosion and could benefit from being backfilled with sandy dredge material. 3

I would also like to remind you that hunters and anglers on the Texas gulf coast contribute millions of dollars to the local economy. We are also the environmental stewards of places like the Laguna Madre, as we only want what is best for the wildlife and aesthetics of the Texas coast. 4

Please do the responsible thing and dispose of the Intercoastal Waterway spoil material somewhere besides Emmord's Hole. Thank you for your time!

Kelly Harlan
PO BOX 1444
Dillingham, Alaska 99576
907-842-5554 Home
907-842-5557 Work

10/15/2003

RESPONSE TO COMMENTS

Kelly Harlan
P.O. Box 1444
Dillingham, AL 99576

Comment No.	Response
1.	Thank you for your comment. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.
2.	Thank you for your comment. See response to comment #1 above for a resolution to this comment.
3.	Most of the dredged maintenance material (42% - 93%) in the vicinity of Emmord's Hole is composed of fine silts and clays rather than sand and cannot be trucked to an upland site for disposal. It is a very fluid material that would leak out of trucks making this method of transportation impractical. Pumping the material directly to the shoreline north and outside of the King Ranch is also impractical as it would require several booster pumps. Even if the dredged material could be transported to the mainland, it is not suitable for renourishing eroded areas due to its fluid nature and would not provide a barrier for future erosion.
4.	Thank you for your comment.

Roberts, Terrell W SWG

From: Tyler Thorsen [tyler@corpusfishing.com]
Sent: Saturday, October 18, 2003 10:44 AM
To: Roberts, Terrell W
Subject: Dredge Material in Emmord's Hole

Mr. Roberts,

I would like to comment on the prospect of dredge material from the ICW ending up in Emmord's Hole. That would be totally unacceptable. Fishing and fishing related business around the Laguna Madre and in that area brings in millions of dollars to the Coastal Bend. Should the cost of dumping material far into the Gulf be looked at as too expensive then the cost of dumping the spoil into the Laguna or Emmord's Hole should be weighed in terms of cost to the area economy and the resources. |

I would much rather see the spoils dumped far into the Gulf but as a second choice would see using areas that are already spoil islands and including the construction of eco friendly silt barriers placed so that the resulting silt would not immediately leach back out into the Laguna.

Sincerely,

Tyler Thorsen

Corpusfishing.com

Member of the Texas Parks and Wildlife Spotted Sea Trout Work Group

RESPONSE TO COMMENTS

Tyler Thorsen
tyler@corpusfishing.com

Comment No.

Response

1. Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.

Roberts, Terrell W SWG

From: Aleks Necak [aleks@txrc.state.tx.us]
Sent: Monday, October 20, 2003 3:33 PM
To: Roberts, Terrell W
Subject: Behnke Bits

Dear Sir,

I read Mr. Behnke's article in Oct.17, 2003 issue of Tom Nix's Saltwater Angler. He is absolutely right about dredging. There should be one set of rules and they should apply to private and government entities alike.

Prior designated spoil areas must be the method used. All dredge material should be contained inside a barrier that would prevent seepage. And Emmords Hole must be left alone for this is one of the Laguna Madre's most productive fishing areas. We must make sure that it remains that way. Thank you. Aleks Necak.

RESPONSE TO COMMENTS

Aleks Necak
aleks@txrc.state.tx.us

Comment No.

Response

1. Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.

Roberts, Terrell W SWG

From: Richard F. Gonzales [rgon2000@yahoo.com]
Sent: Sunday, October 26, 2003 8:41 AM
To: Roberts, Terrell W
Subject: Please Don't Destroy Emmords Hole area!!

October 26, 2003

US Corpus of Engineers
200 Fort Point Rd.
Galveston, TX 77550

Dear Terry Roberts;

I am a life-long resident of Corpus Christi and an avid salt-water fisherman of the Laguna Madre; or at least I was before my sciatica left me bedridden.

Now I know you have a hard decision to make in the discharge of the I.C.W. dredge material, but I just want you to know that this would be a terrible mistake. Since I can no longer go fishing all I have are my memories. And some of the most precious memories I have are of gazing at the golden, pristine waters of Emmords Hole. I would be happy to go just to watch the water and the beautiful colors of the seagrass as they would sway in the soft current. I promise, there are no words to justly describe the clear, sparkling waters of Emmords Hole area. So clear that you can actually see the fish from far away approaching my top waters. 1

I am not a person to ask favors or much less to beg for anything from anybody, but I am now. Please do not take away this most beautiful part of the Laguna Madre from us, the citizens of Corpus Christi and our tourist visitors! 2

I know you will make the right and ethical decision, but I felt it was my responsibility and my small gesture of thanks for the fine work Tom Nix did for the preservation of all that was good connected with salt-water fishing in the Laguna Madre. Let us leave a legacy to his memory by preserving this small part of the world that really is the closest thing to a Paradise as you can get. 3

At Revelation 11:18 it says, in part, that God would: "... bring to ruin those ruining the earth." Let it not be said that you and your staff had any part in 'ruining' any part of the Laguna Madre; especially if you know of a way that you could prevent it.

Sincerely,

Richard F. Gonzales
Concerned Citizen of CC, TX

RICHARD GONZALES
5338 Seguin Dr. Corpus Christi, TX 78415
(361) 853-9739

10/27/2003

RESPONSE TO COMMENTS

Richard Gonzales
5338 Seguin Dr.
Corpus Christi, TX 78415

Comment No.

Response

1. Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.
2. Thank you for your comments. Please see response to comment #1 above for a resolution to this comment.
3. Thank you for your comments. Please see response to comment #1 above for a resolution to this comment.

Roberts, Terrell W SWG

From: OverJo@aol.com
Sent: Sunday, October 26, 2003 10:19 AM
To: Roberts, Terrell W
Subject: Dredging

I wish to inform you that I am strongly opposed to the disposal of spoil material from the dredging of the I.C.W. into the Emmords Hole area, or any other area, of the Lugana Madre or Baffin Bay. I would support placing this spoil on top of, or adjacent to, existing spoil islands that line the I.C.W. /

Sincerely,
Jim Overfield

10/27/2003

RESPONSE TO COMMENTS

Jim Overfield
overjo@aol.com

Comment No.	Response
1.	<p>Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.</p>

Roberts, Terrell W SWG

From: PTLCOJO@aol.com
Sent: Sunday, October 26, 2003 10:21 AM
To: Roberts, Terrell W
Subject: dredging

I wish to inform you that I am strongly opposed to the disposal of spoil material from the dredging of the I.C.W. into the Emmords Hole area, or any other area, of the Lugana Madre or Baffin Bay. I would support placing this spoil on top of, or adjacent to, existing spoil islands that line the I.C.W. /

Sincerely,
Susan Overfield

10/27/2003

RESPONSE TO COMMENTS

Susan Overfield
PTLCOJO@aol.com

Comment No.

Response

-
1. Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.

Roberts, Terrell W SWG

From: joy carrell [jcbus677@yahoo.com]
Sent: Sunday, October 26, 2003 7:46 PM
To: Roberts, Terrell W
Subject: dredging ICW

I wish to inform you that I am strongly opposed to the disposal of spoil material from the dredging of the I.C.W. into the Emmonds Hole area, or any other area of the Lugana Madre or Baffin Bay. I would support placing this spoil on top of or adjacent to existing spoil islands that line the I.C, W.

Sincerely,
Dan Carrell

Do you Yahoo!?
Exclusive Video Premiere - Britney Spears
<http://launch.yahoo.com/promos/britneyspears/>

RESPONSE TO COMMENTS

Dan Carrell
Jcbus677@yahoo.com

Comment No.	Response
1.	<p>Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.</p>

Roberts, Terrell W SWG

From: Kevpbyrne@aol.com
Sent: Sunday, October 26, 2003 8:13 PM
To: Roberts, Terrell W
Subject: (no subject)

Mr. Roberts:

I want to inform you that I am very opposed to the disposal of spoil material from the dredging of the Inter Coastal Waterway into the Emmords Hole area, or any other area of Lugana Madre or Baffin Bay. I think the spoil should be placed on top of, or adjacent to the existing spoil islands that already line this channel. |

Sincerely,

Kevin P. Byrne

10/27/2003

RESPONSE TO COMMENTS

Kevin P. Byrne
kevpbyrne@aol.com

Comment No.	Response
1.	<p>Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.</p>

Roberts, Terrell W SWG

From: Ed Velicka [edvelicka@s-systems.com]
Sent: Monday, October 27, 2003 12:15 PM
To: 'Terrel.W.Roberts@SWG02.USACE.Army.Mil'
Subject: Emmords Hole

I can't even imagine that the Corps of Engineers of Galveston, TX is thinking of discharging dredge material into one of the most productive fishing area's in the Laguna Madre [Emmords Hole].

There are other options and Emmords Hole is not one of them. Please help protect our natural resources.

RESPONSE TO COMMENTS

Ed Velicka
edvelicka@s-systems.com

Comment No.	Response
1.	<p>Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.</p>

Mr. Terry Roberts:

Please use your influence to stop Senator Kay Bailey Hutchinson's Bill that will call for NO sediment dredged from the Intracoastal Waterway to be placed on private land and instead please look at some other viable solution other than dumping this polluted sediment into our bays and estuaries. The bays and estuaries are being stressed enough as is and adding this additional sediment is a lose lose situation.

Sincerely,
Guy Fletcher

RESPONSE TO COMMENTS

Guy L. Fletcher
1509 Desert Quail Ln
Austin, TX 78758

Comment No.	Response
1.	The USACE, as an agency of the Federal Government, cannot lobby Congress or attempt to influence a Senator in the execution of their duties as a representative of the people of the nation.
2.	The ICT examined historical records on sediment quality in the GIWW and, except for a few anomalous readings for cadmium and arsenic in two locations, there were no data that created a cause for concern. Nevertheless, the shoaled material in the GIWW will be tested prior to dredging in the future to ensure there is no cause for concern.

Roberts, Terrell W SWG

From: John Marsh [john@marshfamily.net]
Sent: Wednesday, October 29, 2003 10:11 PM
To: Roberts, Terrell W
Subject: ICW Dredging

Hello

I have recently read in Tom Nix's Saltwater Angler dated October 17, 2003 (Behnke Bits page 7) that there are plans to dredge the Intracoastal Waterway south of Corpus Christi, but that it is deemed too expensive to dispose of the dredge material by barge, and that the dredge material cannot be placed on private land.

I would like to support the proposal to use prior-designated spoil areas together with some kind of containment method. Open discharge of the dredge material would be a disaster for environmental and recreational purposes. It would kill acres of seagrass and reduce habitat for a host of marine wildlife. On the other hand, using the dredge material to create new spoil banks would have the opposite effect, making new habitat for marine wildlife and enhancing the area for recreational fishing.

I am, in particular, strongly opposed to open discharge in the area known as Emmords Hole.

The recreational fishing community spends hundreds of thousands of dollars annually to fish in the Laguna Madre area, and needs more fishable water, not less. It would be false economy for the area and for Texas to ruin such a popular and productive region for want of some careful thought and a little extra money.

Yours

John Marsh
john@marshfamily.net

1

2

3

RESPONSE TO COMMENTS

John Marsh
john@marshfamily.net

Comment No.	Response
1.	With the exception of three new open-bay disposal sites or extensions of currently used sites to deeper water, the DMMP in the Final EIS that was coordinated with an Interagency Coordination Team (ICT) composed of eight State and Federal resource agencies designates the use of existing placement areas for material dredged from the GIWW. The ICT went to great lengths to consider all available disposal options that were economically and engineeringly feasible, as well as their impacts on seagrass and other resources, before recommending the management plans described in the DMMP to the USACE. To reduce impacts to the resources, several of the placement areas will be fully confined and others will have training levees to help retain more of the material on islands and to prevent the material from flowing into nearby circulation channels or seagrass beds. It has been conservatively estimated that the management plans in the DMMP will impact 1,307 fewer acres of seagrass than is impacted under the present system.
2.	Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.
3.	Thank you for your comments.

Oct. 26, 2003

Dear Sir:

In regard of
the dredging of the I.C.W
and the disposed sediment.

I read an article on
Tom Nix Saltwater Angler
that this sediment is
being considered dumped on
the Emmards Hole.

I am against these.

Please stay out of
Emmards Hole.

KEEP OUT

This dredged material
can be dump on the
spoil areas along the
I.C.W.

Favors

Valentine Villanueva
1938 McCauley Ave.
San Antonio, TX 78224

RESPONSE TO COMMENTS

Valentine Villanueva
1938 McCauley Ave.
San Antonio, Texas 78224

Comment No.

Response

1. Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.

Roberts, Terrell W SWG

From: Sharon [shaygl618@totalcallisp.com]
Sent: Saturday, November 01, 2003 8:24 AM
To: Roberts, Terrell W
Subject: Dredge waste material

As a winter Texan I want to enjoy the area of the coastal bend for years to come, I wish to agree with Capt. Ron Behnke, that dredge material can be placed in a prior designated spoil area and containment must be the method used. /

Sincerely,
Sharon Glass
Aransas Pass, TX

RESPONSE TO COMMENTS

Sharon Glass
Aransas Pass, Texas
Shaygl618@totalcallisp.com

Comment No.	Response
1.	Thank you for your comments.

Roberts, Terrell W SWG

From: Bart Green [bartgreen2001@yahoo.com]
Sent: Friday, October 31, 2003 2:39 PM
To: Roberts, Terrell W
Subject: Open Bay Discharge in Emmords Hole

Mr. Terry Roberts
US Corps of Engineers
200 Fort Point Road
Galveston, TX 77550

Dear Mr. Roberts:

I am contacting you regarding the proposed open bay dredge dumping of ICW material in Emmords Hole. I am a recreational angler and have fished the upper Laguna Madre (JFK to mouth of Baffin) for over 10 years and it's my favorite area. My favorite location to fish in the Lagoon is Emmords hole. The reason why: Emmords is the only natural open deeper water feature between JFK and the mouth of Baffin and is essentially surrounded by shallow endless like flats. Game fish and marine life relate to its deeper water and take refuge there year round. Game fish take critical refuge there during hot and cold temperatures. The hole has a less tidal current than the ICW and the fish, at times, prefer the Hole when they are temperature stressed. The Hole has its own dependant fishery and is a habitat with abundant marine grasses. |

Emmords Hole is obviously not a bay, it is small in size and is like a large pond/small lake surrounded by shallows.

THIS IS MY POINT: A bay like Corpus Christi or Aransas might survive the proposed spoil disbursement technique, but Emmords Hole is essentially a micro system or just a feature and is too small to accept dredging material without irreversible habitat and fishery damage. 2

PLEASE - I BEG YOU - DO NOT SPEW SPOIL IN/KILL EMMORDS HOLE

PLEASE do what ever they have done before and use designated spoil areas, build spoil islands that create their own habitat or haul it off. Don't kill the hole. 3

Sincerely,

John Barton Green
15110 Preston Hollow
San Antonio, TX 78247
(210) 490-5567

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10/31/2003

RESPONSE TO COMMENTS

John Barton Green
15110 Preston Hollow
San Antonio, Texas 78247

Comment No.	Response
1.	Thank you for your comments. Since the FEIS was released to the public for review, the issue over the use of Emmord's Hole for placement of dredged material has been rendered moot. Congressional language in an appropriations bill (Public Law 108-137, 117 Stat 1832) directs the USACE to utilize all of the existing PAs described in the FEIS and DMMP for maintaining the GIWW in the Laguna Madre. This language clarifies Congress' intent that all existing PAs be used regardless of location. Therefore, there is no longer a need to use Emmord's Hole for "excess" dredged material normally designated for an existing PA inside PINS boundaries.
2.	Thank you for your comments. See response to comment #1 above for a resolution to this comment.
3.	Thank you for your comments. See response to comment #1 above for a resolution to this comment.